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## The Importance of Evidence in Criminal Proceedings

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**Abstract:** The importance of evidence in criminal proceedings is fundamental for the functioning of criminal justice and for ensuring a fair and impartial trial. Evidence is the key element that supports charges and protects the rights of the accused, ensuring that judicial decisions are based on facts rather than doubts. This abstract discusses the role of evidence in criminal proceedings, emphasizing that it is necessary to confirm or dismiss the guilt of individuals accused of crimes and to protect their rights, including the right to a fair trial. It also highlights the importance of collecting and using evidence in accordance with the law and international norms, prohibiting the use of illegal or coerced evidence. Additionally, the study explores the impact of criminal justice principles such as fairness, transparency, and equality in the handling and evaluation of evidence, and the consequences of misusing evidence.

The key focus of the topic "The Importance of Evidence in Criminal Proceedings" includes key aspects related to the role and function of evidence in ensuring criminal justice. The focus of this theme includes:

1. **Support for Judicial Decisions:** Evidence is the foundation on which every judicial decision in criminal proceedings is based. It helps the court determine whether a person is guilty or innocent.
2. **Determining Guilt or Innocence:** The importance of evidence is evident in how it helps establish the guilt or innocence of the accused, given that every accusation must be supported by clear and credible evidence.
3. **Protection of the Rights of the Accused:** Evidence must be collected and used in accordance with the law to ensure that the rights of the accused, including the right to a fair trial, are not violated during the judicial process.
4. **Legal Standards for Evidence:** The use of illegal evidence or evidence obtained through violations of human rights is a risk that can undermine the integrity of the criminal process and lead to miscarriages of justice.
5. **Equality and Judicial Awareness:** The key importance of evidence is also to ensure a fair and impartial process, where all evidence is treated equally and with respect for legal norms and principles.

This thematic key emphasizes the importance of evidence in ensuring a fair criminal process, transparency, and integrity in the justice system.

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## Introduction

Evidence is the cornerstone of criminal justice and plays a decisive role in determining the truth and ensuring justice. It is an essential element in the criminal process as it directly contributes to shaping judicial decisions. It is fundamental for establishing the facts of a case and ensuring fairness in the judicial process. In legal systems, evidence is used to prove or disprove accusations and defenses, providing a strong foundation for judicial decisions. Here are some reasons why evidence is important in criminal proceedings:

- 1. Establishing Facts:** Evidence is the primary means of verifying facts in a criminal case. It helps the court understand the events, actions, and motives that led to a potential crime. Without evidence, an accusation may lack foundation, and the case would fail.
- 2. Ensuring a Fair Trial:** The use of evidence is crucial to ensure that individuals are treated fairly and in accordance with the law. Reliable and lawful evidence helps protect the rights of the accused and victims, allowing both parties to make a proper defense and ensuring a fair trial.
- 3. Achieving Justice and Impartiality:** Evidence aims to help the court reach a fair and impartial decision. A judgment based on properly gathered and verified evidence is necessary for maintaining public trust in the justice system.
- 4. Maintaining Public Order:** The use of evidence is important for ensuring that the guilty are punished and the innocent are freed. This contributes to maintaining order and safety in society, preventing criminals from escaping justice and ensuring that the innocent are not unjustly punished.
- 5. Preventing Judicial Errors:** The use of evidence is essential for minimizing the possibility of judicial errors, which can lead to unfair convictions. Accurate and reliable evidence helps ensure that an innocent person is not convicted and that a criminal receives the punishment they deserve.
- 6. Ensuring Judicial Efficiency:** In criminal proceedings, evidence also helps ensure that cases are handled quickly and effectively. With clear and complete evidence, the court can reach a faster decision, avoiding delays and preserving the integrity of the judicial process.

In conclusion, evidence is an indispensable element for achieving justice in criminal proceedings. Without reliable and lawful evidence, any judicial system would be ineffective and could result in injustice.

### 1. Evidence Guarantees Truth and Justice

Evidence is the foundation on which criminal proceedings, and more broadly, any justice system is based. It plays a fundamental role in uncovering the truth and ensuring a fair process for all parties involved. This is important not only for determining whether a person is guilty or not but also for ensuring that every judicial decision is made in accordance with the law and protects individuals' rights. Here are some ways evidence guarantees truth and justice:

**i. Uncovering the Truth Through Evidence:** Evidence is the main tool for verifying facts and events that occurred. Without reliable and lawful evidence, it is impossible to uncover the truth of

a criminal case. This evidence can be material (such as crime scene traces), witness testimonies, recordings, documents, or expert reports. All the evidence presented in court is intended to help the judge understand the events and reach a fair conclusion regarding the guilt or innocence of the accused.

**ii. Ensuring Justice:** Evidence ensures that the accused are punished only if they are guilty, and that those who are innocent are acquitted. This is a fundamental principle of criminal justice and the protection of human rights. Without accurate evidence, judicial errors can occur where innocent individuals are convicted, or criminals go unpunished. Therefore, evidence is a guarantee of justice, as it helps prevent potential mistakes and ensures decisions are based on facts rather than doubts.

**iii. Protection of Individual Rights:** A fair and lawful criminal process aims to protect the rights of individuals, both the accused and the victim. Evidence is the tool that helps preserve these rights. The use of unlawful evidence, such as that obtained through violence or human rights violations, can compromise the integrity of the process and lead to unfair decisions. A fair judicial system requires that every piece of evidence be collected and used in accordance with the law and international justice standards.

**iv. Ensuring Judicial Impartiality:** The evidence presented in a trial is what ensures that the court is impartial and not influenced by external factors, such as public opinion, political pressures, or personal interests. Evidence gives the court the opportunity to formulate an impartial decision based on facts, without any outside influence. Without a free and independent analysis of the evidence, the judicial process can become unjust and lead to unacceptable decisions.

**v. Maintaining Public Trust in the Justice System:** A justice system that relies on reliable evidence, collected and used according to the law, helps maintain public trust. When individuals see that justice is delivered equally and based on evidence, they are more likely to trust the judicial system. Furthermore, properly handled and maintained evidence increases the transparency of the process and strengthens the rule of law.

**vi. Preventing Judicial Errors:** To prevent judicial errors, evidence is an essential tool. Judicial errors can have tragic consequences, such as the conviction of the innocent or the release of criminals. The use of carefully and fairly gathered and analyzed evidence ensures that the process is as accurate as possible and minimizes the possibility of mistakes. The court's evaluation of evidence is an important step in ensuring that a case is handled fairly and impartially.

**vii. Crime Prevention and Maintaining Public Order:** Evidence directly impacts crime prevention and maintaining public order. It helps uncover crimes and identify and punish those who have committed criminal acts. This process contributes to deterring individuals from criminal actions, as they know that justice will be merciless to those who break the law. Furthermore, using evidence to impose fair and proportionate punishments sends a clear message to society that crime will not go unpunished.

In short, evidence is the main guarantor of truth and justice in any criminal proceeding. Without reliable and lawful evidence, the judicial process would be unclear and unjust. Through careful and direct handling of evidence, it ensures that everyone receives the punishment or acquittal they deserve, thus protecting individual rights and maintaining public trust in the justice system.

## 2. Exclusion of Illegal Evidence

In any modern justice system, the exclusion of illegal evidence is a fundamental principle that supports the protection of human rights and ensures a fair trial. This helps preserve the integrity of the process and meets the demands of a society that respects the rule of law. Evidence obtained illegally, such as through violation of privacy, use of violence, or torture, is inadmissible and cannot be used to influence judicial decisions. This principle is crucial for ensuring justice and protecting individuals' fundamental rights.

**i. Violation of Privacy and Illegal Evidence:** In most legal systems, privacy is a sacred right, protected by law and international human rights conventions. If evidence is collected in violation of this right (e.g., through illegal wiretapping, theft of personal information, or unauthorized surveillance), it is inadmissible in court. This measure is a guarantee to protect individuals from abusive interventions by authorities and ensures that every piece of evidence is gathered in accordance with the law and respect for human rights.

**ii. Torture and Violence in Evidence Gathering:** Another category of inadmissible evidence is that which is collected through torture or violence. No judicial system can allow the use of evidence that is extracted from direct violations of human dignity. Torture and violence are prohibited everywhere and condemned by all international human rights standards, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. If evidence is obtained through these methods, it is inadmissible and must be excluded from the judicial process.

**iii. Exclusion of Illegal Evidence to Ensure a Fair Trial:** One of the main goals of excluding illegal evidence is to ensure a fair and lawful judicial process. A trial that allows the use of illegal evidence would undermine trust in the justice system and could lead to.

### The Decisive Role of Evidence in Different Stages of the Criminal Process

Evidence plays an extraordinary role in every stage of the criminal process, as it is essential for proving facts and helping the court reach a just and legal decision. It provides a foundation for both the prosecution and defense, offering information and context that are crucial for the development and resolution of the case. At every stage of the process, evidence can significantly impact the course of the trial and the final outcomes.

1. **Investigative Stage (Preliminary)** In the investigative phase, evidence is the key element that supports prosecuting an individual for a criminal act. Investigators and the prosecution use evidence to confirm or dismiss suspicions of an alleged crime. This phase involves gathering evidence, such as testimonies, expert opinions, documents, and material evidence, which may indicate that a crime was committed and that a person might be the perpetrator.

**Importance of Evidence:** During the investigation, evidence helps to build a foundation for the prosecution, ensuring that there is enough information to justify an official charge. Evidence can influence the decision to either keep a person in custody or release them pending trial.

2. **Trial Stage** In this phase, evidence is essential for forming the judicial decision. Judges assess the evidence

presented by both the prosecution and defense to determine whether the defendant is guilty or innocent of the alleged criminal act. Evidence is what dictates the trial's outcome, helping to justify the court's decisions.

**Importance of Evidence:** The evidence presented in court is crucial for proving the defendant's guilt or innocence. Judges evaluate the quality and reliability of the evidence, as well as how it reflects the alleged events.

**Types of Evidence:** During the trial, evidence may include direct testimony (such as witness statements) or indirect evidence (such as documents, photographs, material evidence, etc.). This evidence must be legally admissible and support a clear and impartial analysis.

3. **Appeal Stage** In the appeal phase, when a party is dissatisfied with the decision of the lower court, evidence may be reevaluated to determine if there were errors in its assessment or use in the original trial. An appeal can involve reviewing the evidence presented in the lower court to see if it sufficiently supports the court's decision.

**Importance of Evidence:** In an appeal, the court examines the accuracy of how evidence was used and evaluated. If the appellate court finds significant errors regarding the evidence, it may change or annul the decision of the lower court.

4. **Execution of Sentence Stage** In the final stage of the criminal process, after a verdict and sentence have been announced, evidence may be used to review appeals or requests for sentence reduction, as well as to assess how the sentence will be carried out. Evidence can help identify opportunities for early release, lighter sentences, or other actions related to the execution of the sentence.

**Importance of Evidence:** Evidence in this phase can impact the possibility of a sentence review based on new circumstances or facts that may arise after the sentencing. It may be used to determine if a mistake was made and to revise final decisions.

**Conclusion:** Evidence plays a crucial and decisive role in all phases of the criminal process. From its collection and evaluation in the investigative phase to its use in reaching a fair decision in court and considering appeal options, evidence is essential for ensuring a fair and legal process. Without evidence, it would be impossible to make sustainable and justifiable decisions at any level of the judicial system.

### Facilitating Transparency and Public Trust in the Criminal Process

Transparency and public trust are two key pillars for a fair and effective judicial system. In the criminal process, ensuring these two elements is crucial for the proper functioning of justice, ensuring that citizens have confidence in judicial procedures and decisions. Facilitating transparency and building public trust through evidence and the criminal process is a requirement that must be met at every stage of judicial procedures.

1. **Importance of Transparency in the Criminal Process** Transparency means opening up the process and providing the opportunity for all actors and citizens to be informed about how a trial is conducted and what decisions are made. This is important to ensure that the process is fair and that no illegal or unreasonable actions take place. In modern judicial systems, transparency can be achieved through several mechanisms:

**Publication of Decisions and Procedures:** Judicial decisions should be open and easy for the public to read, ensuring that everyone is informed about the basis of decisions and the procedures followed. This will enable every citizen to monitor and evaluate the judicial process and understand the reasoning behind every decision.

**Opportunity for Parties and Witnesses:** The parties involved in the process should have the opportunity to present their evidence and provide explanations. The judiciary must ensure that each party has the chance to present facts, be heard, and participate directly in the process.

**Monitoring of the Process:** The ability of the media and civil society organizations to monitor court sessions and provide accurate, impartial information about the process helps raise the level of transparency.

2. **Importance of Evidence for Transparency** Evidence plays a key role in assisting transparency in the criminal process. It is a reflection of reality and guides the court in forming its decisions. Ensuring that evidence is gathered and presented legally and transparently is essential for the credibility of the process.

**Legally Secured Evidence:** During the investigative and judicial process, it is important that evidence is gathered and presented in accordance with the law. Any violation of evidence collection procedures could undermine public trust in the judicial system and raise doubts among the public.

**Reliability of Witnesses and Evidence:** The testimony and evidence presented by witnesses and experts must be reliable and clear. An open and fair trial requires that these evidences be analyzed impartially and in a regulated manner.

3. **Building Public Trust Through the Criminal Process** Building public trust is essential for the stability and functioning of a rule-of-law state. A judicial process that is impartial, fair, and transparent creates an environment where citizens believe that justice will prevail and that they can rely on the judicial system to resolve disputes.

**Public Involvement:** By ensuring transparency, the public has the opportunity to monitor how judicial procedures develop. When processes are open and clear, trust in the judicial system increases.

**Protection of Human Rights:** When criminal processes respect the rights of the accused, witnesses, and other parties, this sends a strong message to citizens that the judicial system is governed by principles of justice and respect for individual rights. This ensures public trust and social stability.

**Importance of Reflection of Defense and Prosecution:** To ensure trust, it is important that both parties (the defense and the prosecution) have the opportunity to present their arguments and evidence. An impartial court will consider all the evidence and make decisions based solely on that evidence.

**Conclusion:** Facilitating transparency and building public trust are closely linked to how the criminal process is managed and presented. Evidence supporting an open and fair process, along with the opportunity for citizens to understand and monitor judicial procedures, are elements that strengthen the legitimacy and credibility of the judicial system. Through transparency and proper

evaluation of evidence, a criminal process can be achieved that guarantees justice and secures public trust in the justice system.

## Legal References:

### 1. Criminal Procedure Code of the Republic of Albania

Article 18, 122, 276, of the Criminal Procedure Code (CPC) of the Republic of Albania is the main legal act governing the criminal process and the use of evidence.

**Article 18 of the CPC:** The Right to Protect Evidence – This article stipulates that every person has the right to equally protect evidence, and that it will be evaluated according to the law and the rules of the code.

**Article 122 of the CPC:** Evidence and Its Evaluation – This article emphasizes the importance of evidence that is legal and reliable for forming the judicial decision. It states that the court will evaluate each piece of evidence impartially and independently.

**Article 276 of the CPC:** The Importance of Evidence in Investigation and Trial – This article clarifies that evidence must support the charges and defense, and judicial decisions should be based on sufficient and reliable evidence. It also highlights that the judicial process must ensure that evidence is collected according to the law.

### 2. Constitution of the Republic of Albania

The Constitution of Albania also guarantees individual rights in the criminal process and stipulates that every person has the right to a fair and impartial trial. The use and evaluation of evidence is an integral part of ensuring this fair process.

**Article 31 of the Constitution:** Right to a Fair Trial – This article guarantees that every person has the right to participate in their criminal process, present their evidence and arguments, and that the decision must be based on legal and sufficient evidence.

### 3. European Convention on Human Rights

The European Convention on Human Rights (ECHR) is another legal source that impacts the use of evidence in criminal processes in Albania, as decisions regarding a fair and impartial trial are aligned with international standards.

**Article 6 of the ECHR:** Right to a Fair Trial – This article is crucial for ensuring a fair trial, including the opportunity to present evidence and legal defense. It requires that evidence be evaluated fairly, and that all parties have the chance to present their evidence.

### 4. Law No. 111/2017 "On the Punishment of Crimes"

This law, which updated several provisions regarding crimes and penalties in Albania, impacts the use of evidence presented in criminal cases, stipulating that collected evidence must align with legal principles and respect individuals' rights.

### 5. Decisions of the Constitutional Court and the European Court of Human Rights

The Constitutional Court of Albania and the European Court of Human Rights (Strasbourg Court) have interpreted the rules and principles related to evidence and criminal procedures, helping to define practices and standards for the use of evidence in the judiciary.